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## ESCAPE FROM OBLIVION

**Why the Coast Guard needs out of the Department of  
Transportation...Now.**

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Course 5605  
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## **THE REAL "SILENT SERVICE"**

What is the seventh largest Navy in the world? Which branch of the U. S. Armed Forces endured the highest casualty rates in WW I? Name a department of the U.S. Government that is actually a profit making enterprise?<sup>1</sup> You are not alone if you didn't know the correct answer to all of these questions is . The United States Coast Guard. Most Americans, including many in the other branches of the service, are woefully unaware of the unique history, character and contributions of the fifth branch of America's Armed Forces. This is not simply due to the Coast Guard's relatively small size. There have been times in its history when the service was much smaller, yet was still much more visible and viable than it is today.

The fact is, the Coast Guard was buried alive on April 1, 1967 when it was placed within the newly formed Department of Transportation. It has been slowly suffocating ever since, suffering the effects of political obscurity, weak advocacy and the gradual dilution of its core competencies by civilian oversight which neither understands nor much cares about the military and operational qualities which are the essence of the Service's vitality and viability. This difficulty is compounded by the junior position of the Secretary and Department of Transportation within the Executive Branch. Transportation Secretaries have regularly proven unwilling or unable to expend their limited political capital on the Coast Guard's behalf. Transportation is a department populated by regulatory bureaucrats, toiling dutifully but anonymously in the oversight of road,

rail and air transportation programs, industries and trust funds. It is a department this country did without for 191 years. Some argue we could do without it again. Regardless of one's position on the efficacy of the Department of Transportation, the sad reality is that today's Coast Guard is not simply wallowing in obscurity; it is condemned to obscurity, *within obscurity*.

## **WHAT COLOR IS A CHAMELEON?**

Some might argue that the Coast Guard has always suffered both an identity problem and an identity crisis, and both were self-inflicted. What we know as the Coast Guard today is actually the amalgam of a number of different entities, (The Revenue Cutter service, the U. S. Lifesaving Service, the U.S. Lighthouse Service) absorbed and combined over the past two hundred years into a multi-faceted, and multi-mission hybrid. The result is a Coast Guard that touches both those we serve and those *who* serve, in many ways. Like the proverbial elephant to the blind men, it can seem quite different depending on with which part one comes in contact.

Along the way, like all good mariners, Coast Guard leaders have demonstrated a keen sense of knowing which way the wind was blowing. They have parlayed the multi-mission character of the Coast Guard into a chameleon-like ability to alter the way the Service presents itself to the public, the Congress and the Administration.

The short-term, fiscal benefits of this strategy are irrefutable. In FY 1999 the Coast Guard will be utilizing funds originally conceived in 5 separate appropriations bills. However, the Transportation Appropriation that should provide for *all* the Coast Guard's needs was originally wholly inadequate and likely will be in FY-2000 as well.

So it becomes apparent that the long-term cost of being a chameleon is that nobody knows what color the chameleon truly is, *not even the chameleon himself*. It was this lack of identity, internally and externally speaking, which enabled the Coast Guard to be pigeonholed into an ill fit within DOT and at the same time kept us from realizing just what an ill fit it was. How complicit the service was in shaping its current dilemma is frankly moot. How involved it will be in solving it is the critical question now.

### **IF THE HAND DOESN'T FEED YOU... BITE IT**

In 1967 when the Coast Guard entered the DOT it had an active duty strength of about 35,000. In 1999 the Coast Guard still has an active duty strength of about 35,000. In the intervening years however, a number of significant events have occurred to increase the size, number and complexity of Coast Guard mission responsibilities. Most significant among these were:

**The Magnusson-Stevens Fisheries Act** This Law, passed in 1976, provided the United States with a 200 mile Economic Exclusion Zone (EEZ) This gave Americans exclusive rights to all marine resources (fisheries, minerals, etc.) within the EEZ and increased the size of the Coast Guard's law enforcement

"beat" by approximately 1,500%. It was also the vanguard of a series of laws and regulations which have made fisheries law enforcement increasingly complex and difficult. It is not uncommon today for U. S. Coast Guard Cutters to be embroiled in weeklong pursuits of foreign-flag fishing vessels in mid-Pacific to enforce high seas drift net bans. In 1967 no U. S. Coast Guard cutter enforced fisheries laws more than 12 miles from our shores.

**Counter Narcotics** It may be hard to believe that this problem has not always been with us, but in 1967 drug interdiction was barely an asterisk on the Coast Guard's Operations Summary. Today it consumes a full 17% of the Coast Guard's operating budget. It is our single largest specific mission, far outstripping Search and Rescue, a mission which most think of as the Coast Guard's *raison d'être*.

**Migrant Interdiction** In 1967 the only experience the Coast Guard had with mass migrant flows was the exodus of refugees that followed the introduction of Marxism in Cuba. Prevailing legislation greatly simplified this operation by granting entry approval to anyone fleeing the Castro regime. This was not Migrant Interdiction as we know it today but really just large scale Search and Rescue. Today's world is much more complex and resource intensive. Flows must now be countered from all directions and scores of source countries, especially Cuba, Haiti, the Dominican Republic and the Peoples Republic of China. The absence of repatriation agreements can impose an additional and

considerable burden on Coast Guard vessels that must accommodate large numbers of migrants while diplomatic efforts are pursued.

**Oil Pollution Act of 1990** When the tanker EXXON VALDEZ grounded on a reef outside Prince William Sound, Alaska it started not just a flood of oil, but a flood of oil pollution related laws, regulations and rules. The bulk of this regulatory development and enforcement fell upon the Coast Guard, where it remains today. The bureaucratic structure required to enact and enforce regulations pursuant to OPA 90 created whole new offices and entities within the Coast Guard. Although this resulted in a short-term increase in active duty compliment, the coast guard's inability to sustain that size increase means that by 1998, all those billets came from "out of hide."

This list, although by no means all-inclusive, is illustrative of the mismatch between ends and means which the DOT has allowed to beset the Coast Guard. The result is a Coast Guard which is in a declining state of readiness, crews burdened by oppressive OPTEMPO and a capital plant in increasingly desperate straits. The United States Coast Guard ranks 41 out of 42 comparable size fleets in the age of its ships, beating out only Mexico. There are ships serving in the U.S. Coast Guard that are veterans of WW II. In spite of this pitiable state of affairs, the DOT's ultimate response to a recent Coast Guard plan for recapitalization was to acquiesce to an OMB mandated roles and missions study allegedly to see if new ships were really needed. This was done to forestall

difficult budgetary decisions, in spite of overwhelming indications that the threats which the Coast Guard will be expected to counter are steadily increasing in magnitude, complexity and importance.

### **IT DON'T TAKE A WEATHER VANE...**

As disturbing as the neglect by DOT is, recent legislative trends that make it more difficult for the Coast Guard to get assistance on Capitol Hill are even more troublesome. Frequently in the past, the Coast Guard has been able to garner a better level of support on the Hill than it has within its own department. Ironically, congressional understanding of the Coast Guard's virtues and value is typically higher than within DOT itself. The result has at times been a legislative reshuffling of the Administration's Transportation budget request to ensure the Coast Guard was at least sustained.

The recently enacted Transportation Efficiency Act for the Twenty First Century (TEA 21) may have changed all that. This legislation erects legislative "firewalls" within the Transportation accounts to ensure that monies collected into the Highway Trust Fund through highway and gasoline taxes are not diverted to other transportation functions (like the Coast Guard). This has hugely reduced the fiscal flexibility of congressional appropriators and is already being felt. A similar bill (AIR 21) is now being proposed in the House that would do the same to Aviation Trust Fund monies. These restrictions, coupled with existing budget caps would leave the Coast Guard and other remaining Transportation entities (like AMTRAK) fighting over a woefully inadequate pool of

funds. The combined effect of all this activity is to make DOT, never a good home for the Coast Guard, worse by the day.

Where then should the Coast Guard go? It's often said that in order to be secure and effective within the federal bureaucracy it is best to be a strong agency within a strong department. (The Coast Guard currently would have to be regarded as a weak agency within a weak department). There are several possibilities:

### **YOU CAN'T GO HOME AGAIN**

As the original home of the Coast Guard, the Department of Treasury is a logical first possibility to consider. The reality though is that the evolution of the Coast Guard in the 200 years since its inception has made it an ill fit for Treasury as well. When the Revenue Cutter Service was founded by Alexander Hamilton in 1790, its principle mission was to collect tariffs from foreign shipping plying trade with the new United States. As little more than waterborne tax collectors, the Revenue Cutter Service was a natural fit in Treasury. But the Revenue Marine quickly accumulated other duties as it eventually became the U.S. Coast Guard. In spite of a complete organizational metamorphosis it remained within Treasury until 1967. By then the Coast Guard had lost almost all but its historical connection to Treasury. The tenuous nexus between the service's modern responsibilities and those of the Treasury Department was part of the reason the move to a new department was justifiable in the first place. The Coast Guard

would be as poor a fit in Treasury today as it was in 1967, and would likely find itself no better off than it is within DOT.

## **THE BEST OFFENSE IS THE DEPARTMENT OF DEFENSE?**

Four of the five branches of the armed services are located within the Department of Defense. There is a school of thought within the Coast Guard that joining the other services in DOD would help our current difficulties. Defense is certainly an entity with clout, visibility and an established ability to garner resources. SECDEF is one of the most influential and visible members of the Cabinet. But as far as meeting the goal of becoming a strong agency within a strong department goes, a Coast Guard move to DOD would accomplish only the latter half of the equation. The Coast Guard's diminutive size and relatively minuscule budget (about \$4B) would make it a small fish indeed within the Department of the Navy and even more so within the Department of Defense. The likelihood that it could compete favorably for shrinking DOD fiscal resources is slim.

Compounding the Coast Guard's challenge of fiscal survival following a potential move to the Department of Defense would be a general lack of DOD affinity for Coast Guard missions. By its own definition the Coast Guard currently expends only 10% of its operating budget on "Defense Operations". Consider the ongoing debate about the true national security implications of transnational threats such as drug smuggling and illegal immigration. The Coast Guard would likely find itself within a department where its principle missions have typically

been done on a "not to interfere" basis and are perceived as low priority, at best. Statutory complications with issues like posse comatus would also prove problematic if the Coast Guard were to become a Title 10 organization.

## **LIBERTY IN JUSTICE FOR US**

The Coast Guard's single largest mission in terms of resources expended is Enforcement of Laws and Treaties (ELT). It consumes approximately 40% of the Coast Guard Operating Expense (OE<sup>2</sup>) budget with drug and migrant interdiction representing 17% and 15% of total OE respectively. The remaining 8% includes a potpourri of other law enforcement activities. If for no other reason, this emphasis on law enforcement operations makes the Department of Justice the most appropriate home for the Coast Guard

Law enforcement is not a new mission for the Coast Guard. It is the purpose for which the service was founded. All other missions are really appendages to the original enforcement mission of the Revenue Cutter Service. It has been at the heart of the service from its origins with Rum Wars and Drug Wars taking a back seat only in time of World Wars.

In the prosecution of its law enforcement missions, the Coast Guard regularly works with the DEA, FBI and other agencies that already occupy the DOJ. This commonality of purpose and provides a sense of teamwork and synergy which the Coast Guard has never, and will never, find within DOT.

If it were to move to DOJ, the Coast Guard would be the largest enforcement agency in the Department. With the Attorney General of the United

States as its advocate, the Coast Guard would have vastly improved its position within the executive. It would be a much more significant and appreciated component within a much more significant and appreciated department.

## **ENDS, WAYS AND WHAT THAT MEANS**

The urgency and importance of the Coast Guard's future does not hinge on the preservation of the Coast Guard for its own sake. It hinges on the need for America to possess the capability to address the many maritime issues that fall outside the scope of our Navy's jurisdiction and charter. For 210 years the Coast Guard and its ancestral organizations have met those needs. In those two centuries today's U. S. Coast Guard has evolved into a model of flexibility, effectiveness and efficiency, emulated by maritime forces worldwide. It fills a crucial gap between the armed forces, law enforcement and humanitarian organizations like no other entity in our history. The United States Coast Guard is a national treasure. Unfortunately, it is a buried treasure in danger of being lost forever or simply rotting away.

A shift to the Department of Justice is the Coast Guard's best option for survival. It is a step that will require bold action on the part of the Coast Guard's leadership. In the world of bureaucratic politics such a proposal will bring the accusations and consequences of "disloyalty" to DOT. But risk is the stuff of true leadership and true leadership is in order. It's time to make a move.

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<sup>1</sup> The value of lives and properties saved by the Coast Guard exceeds its annual operating budget on a regular basis The Internal Revenue Service is the other branch of government whose revenues exceed its operating costs

<sup>2</sup> Operating Expenses or "OE" is comparable to "O&M" funds in the DOD services

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